



Chandler • Arizona

2018 Merit System Board Minutes

Regular Meetings

September 11, 2018

These minutes are fully searchable within this year by using the “Find Feature”.

**CHANDLER MERIT SYSTEM BOARD
MINUTES OF THE MEETING OF
Tuesday, September 11, 2018**

Case #2018-001

CALL TO ORDER & ROLL CALL:

Merit System Board Chairperson, Dr. William Crawford III, called the meeting to order at 9:03 a.m. in Chandler City Hall Training Room B, Chandler, Arizona.

IN ATTENDANCE:

Board Members:

Dr. William Crawford, III
Mr. Bill Dahlberg
Ms. Chris Love
Mr. Lon Miller
Ms. Micki Schroeder

Julia House, Secretary for Merit System Board
Gordon Lewis, Attorney for the Merit System Board
Court Reporter – Glennie Reporting Services
Officer Jason Justus, Appellant
Kathryn Baillie, Attorney for Appellant
Katherine Baker, Attorney for Police Department (Respondent)

City Staff Present:

Debra Stapleton, Administrative Services Director; Rowena Laxa, Assistant City Attorney; Julia House, Merit System Board Secretary; Beth Lamb, Legal Secretary

ACTION/HEARING:

A quorum being present, the Board Chairperson announced that the Board was convened for the purpose of hearing the appeal of Officer Jason Justus, a Chandler Police Officer, who received a ten (10) hour disciplinary suspension on January 17, 2018, pursuant to Personnel Rule 5, Section 5.B.4, for violation of General Order B-12.100.D.10.b (Failure to comply with any lawful order, directive, regulations, etc., oral or written whether stated in this order or elsewhere). The Chairperson described the order of the proceedings.

A motion was made and seconded to enter into Executive Session to discuss a legal matter with the attorney for the Merit Board at 9:05 a.m. A motion was made and seconded to end the Executive Session at 9:20 a.m. A motion and second was made to enter into Open Session at 9:20 a.m.

Mr. Miller disclosed a possible conflict of interest. After a discussion it was determined there was no conflict of interest present which was approved by a consensus of the Merit Board, Counsel for Appellant, and Counsel for the Chandler Police Department.

Counsel for the Appellant objected to holding the Merit Board Hearing in open session due to the confidentiality of the evidence to be presented. A motion was made and seconded enter into Executive Session for the purpose of receiving legal advice from the Board's attorney. The Board entered into Executive Session at 9:32 a.m. and a motion was made and seconded to end the Executive Session at 9:40 a.m. A motion was made and seconded and return to Open Session at 9:40 a.m. The Merit Board Chairperson announced that the Board will allow the presentation of evidence in a Modified Executive session.

A motion was made and seconded to enter into Modified Executive Session at 9:42 a.m.

An opening statement was made by Counsel for the Police Department. An opening statement was made by Counsel for the Appellant.

The Chandler Police Department presented testimony from the following witnesses:

Sgt. Michael Moore
Dale Walters (Former City of Chandler Assistant Police Chief)
Rae Lynn Nielsen, Benefits & Labor Relations Administrator
Police Chief Sean Duggan

The Appellant presented testimony from the following witnesses:

Officer Jason Justus

The presentation of evidence concluded at 5:07 p.m. and closing arguments were made by both parties. A motion was made and seconded to enter into Executive Session at 5:34 p.m. A motion was made and seconded to end the Executive Session at 5:43 p.m. A motion was made and seconded and return to the Modified Execution Session at 5:43 p.m. A motion was made and seconded to enter into Open Session at 5:44 p.m.

A motion was made by Ms. Schroeder, and seconded by Mr. Miller, to recommend to the City Manager that the disciplinary action of a ten (10) hour suspension be upheld the Board having found Just Cause for the disciplinary action and that the Department had proved the violation by a preponderance of the evidence and that the disciplinary action was not unreasonable or arbitrary. The motion passed unanimously.

ADJOURNMENT:

There being no further business, the Board Chairperson asked for a motion to adjourn. The Board so motioned and agreed to adjournment at 5:54 p.m.

Julia House
Julia House, Merit System Board Secretary

9/11/18
Date